

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

De Lage Landen Financial Services, Inc.	:	
	:	
	Plaintiff	CIVIL ACTION NO. 02-CV-2810
vs.	:	
	:	
Toshiba America Medical Systems, Inc.	:	
	:	
	Intervenor Plaintiff	
	:	
vs.	:	
	:	
DeSoto Diagnostic Imaging, LLC., Randon J.	:	
Carvel, Lynn T. Carvel, Delta Radiology, P.C.	:	
and Zobar Properties, LLC.	:	
	:	
	:	
	Defendants	
	:	

**DECLARATION OF COUNSEL IN OPPOSITION
TO DEFENDANTS' MOTION FOR LEAVE TO FILE SECOND AMENDED
AFFIRMATIVE DEFENSES AND SECOND AMENDED COUNTERCLAIMS**

I, Peter J. Boyer, hereby declare as follows:

1. I am an attorney at law, licensed to practice in the Commonwealth of Pennsylvania and the United States District Court for the Eastern District of Pennsylvania. I am one of the attorneys of record in this matter for plaintiff De Lage Landen Financial Services, Inc ("Plaintiff").
2. Attached hereto as Exhibit "A" is a true copy of the Scheduling Order entered by the Court dated September 19, 2002.
3. Attached hereto as Exhibit "B" is a true copy of the Consent Order entered by the Court dated September 3, 2003

4. Attached hereto as Exhibit "C" is a true copy of the Objections and Responses of Plaintiff/Intervenor Toshiba America Medical Systems, Inc. ("TAMS") to Plaintiff's First Request for Admissions dated April 25, 2003.

5. Attached hereto as Exhibit "D" is a true copy of the email correspondence from counsel for Defendants, Kyle Tate, to counsel for all parties dated August 4, 2003.

6. Attached hereto as Exhibit "E" is a true copy of the email correspondence from counsel for Defendants, Kyle Tate, to counsel for all parties dated August 18, 2003.

7. Attached hereto as Exhibit "F" is a true copy of the Defendants' First Amended Answer and First Amended Counterclaims dated September 22, 2003.

8. Attached hereto as Exhibit "G" is a true copy of TAMS' Answer to Defendants' First Amended Counterclaims dated October 9, 2003.

I declare this 6th day of February, 2004 and under penalty of perjury that the foregoing is true and correct.

Peter J. Boyer (Attorney ID No. 25517)
McCarter & English, LLP
Mellon Bank Center
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Philadelphia, PA 19103

Attorneys for Plaintiff
De Lage Landen Financial Services

Dated February 6, 2004